

DECISION MEMO

NORTH FORK ASHLEY CREEK

Fisheries Enhancement Project

**USDA Forest Service
Vernal Ranger District, Ashley National Forest
Uintah County, Utah**

BACKGROUND

The Ashley National Forest has taken an active role to improve fisheries habitat and recreational fishing opportunities on the Forest. A number of fisheries improvement projects have been completed thru partnership agreements with National, State and local agencies and volunteer conservation groups. In 2003 the Utah Division of Wildlife Resources and Ashley National Forest identified the North Fork of Ashley Creek as a location in need of fisheries improvements.

PURPOSE AND NEED

The purpose of this project is to improve fish habitat conditions on approximately 0.50 miles on the North Fork of Ashley Creek on the Vernal Ranger District. This consists of increasing and improving pool habitat by improving the width/depth ratio for this reach. The focus on these improvements is to enhance recreational fishing and also benefit future planned Colorado River cutthroat trout restoration activities.

DECISION TO BE IMPLEMENTED

The project area is located on the Vernal Ranger District, approximately 12 miles west of Highway 191 via the East Park Road #10020 where the Red Cloud loop road crosses the stream at T1S, R20E, section, 9.

I have decided to implement a fisheries habitat enhancement project in the North Fork of Ashley Creek by increasing pool and fisheries habitat by placing large wood debris (LWD) into the stream. Willow planting would be transplanted along the stream in the project area to improve riparian vegetation. A tracked excavator and crew would be used in the stream channel to create approximately 15 to 20 in stream habitat structures along ½ mile section of the stream (see exhibit #1). LWD would consist of 60 to 70 trees, 30-40 length, 10-15 inches in diameter, some with rootwads and would be obtained from commercial sources. Types of structures planned for this project include cross vanes, log vanes, rootwads, and cover logs placed along the stream for bank protection and fish habitat. The habitat structures would be constructed using rebar and cable and placed at strategic locations along the stream best suited for pool habitat formation.

The project is planned for implementation in September 2004 and is expected to take about 5 days. Interpretative signs will be placed at the project site for public education. Monitoring will take place annually to determine stream enhancement effectiveness.

My decision is based on several factors including the contents of this Decision Memo, site-specific resource information, and supporting documentation.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA) when conditions of one of the categories identified by the U.S. Department of Agriculture are met. These categories can be found in 7 CFR part 1b.3, or as identified by the Chief of the Forest Service in the Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, or within a category established on June 5, 2003 or July 27, 2003. To fit into a categorical exclusion there must not be extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the project record.

A. CATEGORY OF EXCLUSION

The decision qualifies for the following exclusion under Forest Service Handbook Chapter 30, Categorical Exclusion from Documentation, Section 31.2.7 Modification or maintenance of stream or lake aquatic habitat improvement structures using native materials or normal practices.

The decision meets requirements for exclusion from an EIS or EA, but does require a Project Record and Decision Memo (FSH 1909.15).

B. FINDING OF NO EXTRAORDINARY CIRCUMSTANCES

Extraordinary circumstances include, but are not limited to, the presence of steep slopes or highly erosive soils; presence of threatened or endangered species or their critical habitat; flood plains, wetlands, or municipal watersheds; congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas; inventoried roadless areas; research natural areas; or Native American religious sites, archeological sites, or historic properties or areas. Where these items are present, but are not affected by proposed actions, or potential affects can be mitigated and are thus not significant, then extraordinary circumstances do not exist.

The categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects, which may significantly affect the environment. The

Interdisciplinary Team reviewed the above mentioned Extraordinary Circumstances and determined the proposed actions could be mitigated or had no effect, (see project records).

Response to public comment on Extraordinary Circumstances is answered below in Section III.

III. PUBLIC INVOLVEMENT

The proposal was provided to the public and other agencies for comment during scoping, this included issuing a news release and mailing a scoping letter to the full Forest mailing list. A total of three written comments were received.

Summary of Public Comments and Forest Service Response;

Two comments of general support were received from local government agencies. Issues and concerns received from one Environmental Organization are outlined below with agency response.

1. Concerned about heavy equipment and tracked excavator would cause short-term degradation to downstream water quality.
Using the tracked excavator when it is in the creek would create short-term water quality impacts. Both the District hydrologist and Fisheries biologist reviewed and analyzed this project in the categorical exclusion checklist and did not identify any issues that would result in water quality impacts. The area in which the equipment would be used is relatively flat, located in dispersed camping area. The North Fork Ashley Creek substrate and banks in this reach are comprised primarily of cobble and larger rock material, and the excavator would not be working in wet areas except when in the stream channel. Emergency spill kits will be on site.
2. Quantitative populations data for Threatened Endangered Sensitive Species (TES) and Management Indicator Species (MIS) before the project is approved
Pre-project data has been collected and will be used along with existing data for MIS and TEPS. A biological Assessment has been completed for Wildlife and Plant species, with a determination of no effect. (see project record for additional information).
3. Concerned about effects to soil.
Same as #1. Soil disturbance will be short term. Duration of time and size of project is small. Large woody debris and willow planting will be used to decrease soil erosion and stabilize banks.
4. Effects of forest associated with harvest of live and dead trees.
Large woody debris will be obtained from commercial sources and hauled to the site.
5. Concerned about Research Natural Area (RNA) to the east and south of project

No harvest activity or project activity will occur within the RNA's

IV. FINDINGS REQUIRED BY OTHER LAWS

My decision will comply with all applicable laws and regulations.

This decision is consistent with the Ashley National Forest Plan (Forest Plan) as required by the National Forest Management Act. This decision is designed in consideration of the goals, objectives, standards, and management area direction of the Forest Plan. The project was designed in conformance with Forest Plan standards and incorporates appropriate Forest Plan guidelines.

The Biological Assessment prepared for the project record reveals that the circumstances and potential effects of this proposal are not considered a threat to Threatened, Endangered, or Sensitive animals and plants, or to their habitat. The Biological Assessment rendered a no effect determination.

Management Indicator Species (Code of Federal Regulations 36 CFR 219.19(a)(6)). This regulation requires the Forest to monitor populations of species in which population changes are thought to reflect management activities by the Forest. There would be no affect to the population of any of these species from the proposed action. See analysis in project file.

Migratory Birds of Conservation Concern (Executive Order 13180) and Partners in Flight Conservation Species. The purpose of this Executive Order is to assure that the needs of the Nation's migratory birds are considered during project planning. These bird species would not be affected because the project would occur after the nesting season is completed.

The Ashley National Forest is following the Multi-agency Conservation Agreement and Strategy for CRCT in the State of Utah. This agreement has identified the North Fork Ashley Creek for future non-native removal, population surveys, and CRCT reintroduction. The desired condition is to increase pool habitat and improve the width/depth ratio for this reach. The Ashley National Forest remains consistent with its Forest Plan objective to "manage the habitat of all T&E and Sensitive plant and animal species to maintain or enhance their status". CRCT is currently listed on the Regional Foresters sensitive species list. The Forest Plan standards and guidelines states to give priority to structural habitat improvement work in streams containing CRCT strains. North Fork Ashley Creek does contain a population of CRCT. This project is in partnership with the UDWR and the National Fish and Wildlife Foundation.

The Forest will obtain concurrence from the Utah State Historic Preservation Office for this project, any cultural, historical, or archaeological resources if identified from archaeological input. The Forest has obtained a U. S. Army Corps of Engineers/ Utah State Engineers Office, 404 permit for work in a natural stream channel. Any stipulations identified in the 404 permit will be followed. Both the cultural resource clearance and 404 permits will be included in the project record.

V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

Pursuant to 36 CFR 215.8(a)(4) this decision is not subject to appeal or a higher level of review.

VI. IMPLEMENTATION DATE

This project will be implemented August 30th through September 8th of 2004 or after cultural resourced clearance is received from SHPO and the 404 permit is received from U. S. Army Corps of Engineers/Utah State Engineers Office.

VII. CONTACT PERSON

For additional information concerning this decision or the Forest Service appeal process, contact: Scott Steinberg, Vernal Ranger District, 435-781-5154 or Alex Gouley, Vernal Ranger District, 435-781-5157.

____/s/____*Scott Steinberg*_____
Scott Steinberg
District Ranger
Vernal Ranger District

____*8/26/04*_____
Date

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